



# California Fair Political Practices Commission

October 3, 1989

Steven R. Crooks  
Hefner, Stark & Marois  
2710 Gateway Oaks Dr., Ste. 300 South  
Sacramento, CA 95833-3501

Re: Your Request for Advice  
Our File No. A-89-464

Dear Mr. Crooks:

You have requested advice on behalf of the political action committee of the Building Industry Association, BAC-PAC, concerning the campaign provisions of the Political Reform Act.<sup>1</sup>

## QUESTIONS

1. When disclosing member contributions received through the collection of association dues, has BAC-PAC received the contributions when the members' dues are received by the Building Industry Association (the "Association") or when the Association transmits the funds to BAC-PAC?

2. If the date of receipt by BAC-PAC is the date the Association receives the members' dues, what are the Association's recordkeeping responsibilities with regard to such contributions?

3. Is there a requirement that the Association transmit member contributions at any particular times during the year?

## CONCLUSIONS

1. BAC-PAC receives the members' contributions when the dues payments are received by the Association.

2. The Association must report the contributions to BAC-PAC no later than the closing date of the campaign statement on which the contributions must be disclosed by the committee. Therefore,

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 81000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

the Association must keep whatever records are reasonably necessary for BAC-PAC to comply with its disclosure obligations.

3. The Act does not specify when the Association must transmit member contributions to BAC-PAC.

#### FACTS

BAC-PAC is the sponsored committee of the Building Industry Association. Contributions to BAC-PAC are collected as a portion of dues paid to the Association by its members. During our telephone conversation of September 8, 1989, you indicated that the members have earmarked a specified portion of their dues to be contributed to the committee.

#### ANALYSIS

The Act requires committees established pursuant to Section 82013(a) ("recipient committees") to file periodic reports disclosing, among other things, contributions received. (Sections 84200-84221.) The recordkeeping section of the 1989 Information Manual on Campaign Disclosure Provisions of the Political Reform Act states:

A contribution is "received" the day the candidate or committee treasurer or his or her agent actually receives the contribution, not when the contribution is deposited into the committee's bank account.

Information Manual, p. 52.  
(Emphasis added.)

Because the Association's members have earmarked a specified portion of their dues as contributions to BAC-PAC, the committee "receives" the contributions on the date the Association receives the dues from the members.

With regard to recordkeeping responsibilities, Section 84306 provides:

...All contributions received by a person acting as an agent of a committee shall be reported promptly to the committee's treasurer or any of his or her designated agents. "Promptly" as used in this section means not later than the closing date of any campaign statement the committee or candidate for whom the contribution is intended is required to file.

As the agent of the committee for the receipt of contributions, the Association must report to BAC-PAC the contributions it collects. In order to provide the committee with adequate information to fulfill its filing obligations, the Association should record and provide to the committee the name, address,

Steven R. Crooks  
Page 3

occupation and employer of each person who has earmarked \$25 or more in contributions during the calendar year.

Finally, as noted in the conclusions stated above, the Act does not specify when contributions collected by an agent of a committee must actually be transmitted to the committee.

Please call me at (916) 322-5662 if you have additional questions.

Sincerely,

Kathryn E. Dovovan  
General Counsel

*Carla J. Wardlow*  
By: Carla J. Wardlow  
Assistant Chief, Technical  
Assistance & Analysis Division

**HEFNER  
STARK &  
MAROIS**

*Law Offices*

**FPPC**

**AUG 09 1989**

**RE**

2710 Gateway Oaks Drive  
Suite 300 South  
Sacramento, CA 95833-3501  
(916) 925-6620  
Fax # 925-1127

Bay Area Office  
(415) 837-2131

August 7, 1989

Jeanne Pritchard  
Fair Political Practices Commission  
Technical Assistance Division  
P.O. Box 807  
Sacramento, CA 95804

Re: **BAC-PAC, Sponsored Committee of the Building  
Industry Association**

Dear Ms. Pritchard:

This letter is a request for formal written advice from the Commission pursuant to Government Code § 83114(b) and Commission Regulation 18329. I am writing as the authorized representative for the political action committee of the Building Industry Association, BAC-PAC. BAC-PAC is a sponsored recipient committee of the BIA, which receives most of its contributions from a percentage of members' dues received by BIA. BIA then makes transfers of that percentage of members' dues which are earmarked as contributions, to the PAC on a periodic basis.

My question, on behalf of BAC-PAC and BIA, is whether the member contributions to BAC-PAC for members' dues are deemed received by BAC-PAC when the members' dues are received by BIA or when BIA transfers the actual contribution amounts to BAC-PAC? Also, if the contributions are deemed received by BAC-PAC when the members' dues are received by BIA, what recordkeeping responsibilities does BIA have under the Political Reform Act concerning such contributions, for example, under Government Code § 84104 and Commission Regulation 18401. Finally, as a general question, do any provisions of the Political Reform Act or any of the Commission regulations (especially the new statutes and regulations promulgated under Proposition 73), have any impact on the timing of when BIA physically transfers the members' contributions to BAC-PAC, that is, is it preferable or required that such transfers be made at any particular times during a calendar or fiscal year?

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(1951-1988)

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Kenneth R. Stone  
Timothy D. Taron  
Judy Campos McKeehan  
William M. Gallagher  
Robert S. Willett  
Todd A. Murray  
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Robert P. Biegler  
Ronald H. Sargis  
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Kirk E. Giberson  
Michael J. Cook  
Edward E. Jaszewski  
Judy J. Borchers  
Marla J. Winterberger  
Marshall K. Jaquish  
Julie B. Gustavson  
Scott B. Hayward

Of Counsel  
Robert N. Stark  
Robert W. Bell




Jeanne Pritchard  
August 7, 1989  
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Thank you for your assistance with this advice request. Please do not hesitate to contact me if you need additional information to consider these issues.

Very truly yours,

HEFNER, STARK & MAROIS

By   
Steven R. Crooks

SRC:11

cc: Dwight Hansen

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Thank you for your assistance with this advice request. Please do not hesitate to contact me if you need additional information to consider these issues.

Very truly yours,

HEFNER, STARK & MAROIS

By

  
Steven R. Crooks

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cc: Dwight Hansen



# California Fair Political Practices Commission

August 10, 1989

Steven R. Crooks  
Hefner, Stark & Marois  
2710 Gateway Oaks Dr., Ste. 300 So.  
Sacramento, CA 95833-3501

Re: Letter No. 49-464

Dear Mr. Crooks:

Your letter requesting advice under the Political Reform Act was received on August 9, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

*Jeanne Pritchard*  
Jeanne Pritchard  
Chief Technical Assistance  
and Analysis Division

JP:plh